

**The Maryland Board of Pharmacy
Public Minutes - May 13, 1998**

Secretary W. Irving Lottier, Jr. called the meeting to order at 8:45 A.M. In attendance were Commissioners Stanton Ades, Wayne Dyke, Dorothy Levi, George Voxakis, Barbara Jackson, and Rev. William Johnson; Board Counsel, Paul Ballard; Board staff, David Denoyer, Pam Owens, Norene Pease, and Sharon Cornish.

Guests present include:

Melvin Rubin, Pharmacists

Jack Freedman, Division of Drug Control

Gilbert Cohen, PEAC

Ray Love, University of Maryland, School of Pharmacy

Chris Mengler, Barr Laboratories

Recusals - Secretary Lottier requested that any member of the Board with a conflict of interest relating to an item on the agenda should notify the Board at this time. There were no conflicts reported.

Minutes - A motion was made by Barbara Jackson and seconded by George Voxakis to approve the April Board minutes with a correction on page 6 the strategic planning group met on April 15 not May 15, 1998. The minutes were approved.

Executive Director's Report - An office secretary III, Cheryl Cresic has been hired beginning on May 20, 1998. She will serve as secretary for the Board and for disciplinary and compliance matter's. Ms. Thomas' reclassification request for office secretary II is under review in the Personnel Services Administration and should be approved by the next Board meeting. Approval of the reclassification will enable Board staff to begin to recruit to fill the vacant fiscal aide II position.

Ms. Pease also reviewed the advantages of the Board entering into a memorandum of agreement (MOA) with the School of Pharmacy. The MOA arrangement with the school will be consistent with the Board's responsibility to maintain control of its staff positions while insuring that well qualified staff are hired and retained by the Board. Either the Executive Director's or the Pharmacist Compliance Officer position will be filled via a MOA specifically defining the terms of the agreement. This would free a permanent position for use by the Legislative Officer.

The Toxsense Board Media Campaign will utilize billboards located in Baltimore City, Baltimore and, Anne Arundel Counties and on route 50 in Cambridge and route 1 in Belair to convey positive messages about using the services of pharmacists and the Maryland Poison Information Center. During the late summer and fall billboards with similar messages will be

purchased for Montgomery and Prince George's Counties and well traveled routes in Southern and Western Maryland.

Barbara Faltz Jackson reported that the Council of Boards Meeting included discussion of failed legislation to create a project reserve fund for each Board to access for the immediate payment of invoices associated with litigation or other Legislative mandates that were not planned in the Board's annual appropriation. Ms. Jackson stated that other Boards were experiencing problems with Board member attendance and with consumers being included in Board committees and with the work of the Board. She stated that she did not believe that these were issues for Pharmacy in fact the Pharmacy Board is a model for consumer participation.

The Counsel of Boards reviewed possible legislation drafted by Ms. Owens to enable each Board to establish personnel classifications and related grade levels for its staff. The Counsel asked for each Board's endorsement of the proposed legislation.

The Board is a preceptor for the School of Pharmacy's Experiential Learning Program and will have five students from June through September. Ms. Pease will assign students to the following projects: researching the recent successes in other states with passage of collaborative practice legislation, researching recent action in other states regarding the use of pharmacy support staff (technicians) and update the Board's record of disciplinary charges and outcomes from 1995 until present to ensure consistency among common cases. Ms. Jackson suggested that a student could organize the Board's video library. The Board endorsed students working on these projects.

The Board voted to send Barbara Faltz Jackson and Norene Pease to the MPHA Convention in June.

Representatives from the Board and the School of Pharmacy have established regular meeting times to discuss and work on issues of common concern. The May meeting included a review of failed 1998 legislative initiatives, summary of student/preceptor ethical concerns and a discussion of further collaborative endeavors.

Secretary Lottier and Board staff have revised the format for the Annual Report. The new format is designed for both consumers and licensees and is intended to provide useful information on how to access Board services, present Board initiatives and the status of Board operations. Barbara Faltz Jackson made a motion seconded by Stanton Ades to adopt the draft Annual Report with the following additions to it: 1) inform consumers that the Board regulates both pharmacists and pharmacy businesses and 2) discuss the new composition of the Board. The motion was approved.

Board Counsel's Report - Board Counsel, Paul Ballard reported on the meeting of all health occupations Boards with the Office of the Assistant Attorney General to re-engineer the

disciplinary process to ensure consistency across Boards and to improve methods for resolving cases in the most expeditious manner. Members of the Board requested receipt of the meeting report.

Licensing Committee Report - The Licensing Committee report presented by Wayne Dyke included information about steps the Committee will take to improve procedures during administration of Board examinations and methods to complete scoring them as quickly as possible. The examination will be administered on June 22 and 23, 1998. The Licensing Committee must review and approve law examination questions at its May 27, 1998 meeting.

The Board reviewed the revised letter to be sent to renewing pharmacists regarding the prospective audit process. The letter informs pharmacists that extensions for renewals will be limited to extraordinary situations and will be granted for only thirty days. Pharmacists will not be allowed to practice during the extension period and they will not be charged a late fee when continuing education credits are provided to the Board at the end of the extension. The Board approved the use of the letter which had been reviewed by Mr. Ballard to ensure consistency with the law.

Reciprocating pharmacists discussed problems with accessibility to vendors to take the oral English competency examination and with concerns about the increased cost of the examination. Ms. Cornish has contacted the vendors to obtain current charges for the examination and to provide maps to their locations. She will investigate if Hilary Soloff remains in business and the current location of her office.

Mr. Dyke made a motion which was seconded by George Voxakis to accept the reciprocity candidates with the exception of the following who will be licensed when the Board receives their English competency certificate: Steven Brangs, Norman Beck, Meseret Nega, and Triet Nguyen. Following are the 12 reciprocity candidates: Steven Brangs, Victor E. Amoo, Steven C. Carlisle, Norman K. Beck, Suk-Yi Lisa Cheung, Robert S. Folk, Jacki Deutsch, Ann M. Fiss, Meseret Nega, Triet N. Nguyen, Kun Yi You and Peter A. Mikhail. The motion was approved.

Legislation - Ms. Owens reviewed with the Board legislation previously discussed by Ms. Jackson that would enable all Boards to establish classifications and grade levels for their staff. A motion was made by Stanton Ades and seconded by Reverend Johnson to endorse the legislation proposed by the Counsel of Boards. The motion was approved.

Regulation Update - Ms. Owens and the Pharmacy Practice Committee have reviewed comments received on the proposed Code of Conduct regulations. The regulations have been revised to reflect all comments and were approved by the Pharmacy Practice committee. They will be reviewed and voted on by the Board at the June 10, 1998 meeting, since adequate notice of the May Board meeting was not provided in the Maryland Register.

Electronic Transmission of Prescriptions - Mr. Denoyer reported that the regulation has been approved by the practice committee in principal. The regulation will be presented at the June meeting. The Board's concerns about consistency with federal law have been addressed. In addition, the language exempting nursing homes from some of the detailed requirements of the regulation has been added, although sections of the regulation will apply to nursing home prescriptions.

Chapter 19 Amendments - Parenteral/Sterile Enteral Coumpounding - Mr. Denoyer reported that he has sent this proposal to the Maryland Society of Health-Care Pharmacists, but he did not do so in time for the May meeting. Mr. Denoyer does not anticipated any opposition, but MSHP may provide some comments and improvements to the language which allows any Class 100 device to suffice for sterile compounding.

Assisted Living Up-date - Board Letter to L&C

Mr. Denoyer reported that the Board has not received a response to the Board's three suggestions. The Board suggested that physicians write orders in instances where patients should not self-administer, pharmacists perform reviews of drug regimens in assisted living, and that pharmacists are involved in the training of those who are involved in the patient's drug therapy.

PEAC Update - Stanton Ades acknowledged Gilbert Cohen representing PEAC. Mr. Cohen stated that PEAC has received authorization to become a private non-profit corporation effective July 1, 1998. He also stated that PEAC has hired an accounting firm to perform regular audits of all accounts effective July 1998.

Mr. Cohen expressed concern that one laboratory has been consistently reporting false positive results on PEAC clients. Mr. Freedman recommended that Mr. Cohen contact Michael Weyda in the Licensing and Certification Administration to file a complaint and to determine what action can be taken to remedy the situation.

Pharmacy Practice Committee - Stanton Ades - The Committee met on May 6, 1998, with Commissioners Ades, Jackson and Levi in attendance. Mr. Ades reported that the practice committee devoted much of its time at the last meeting to a discussion of the code of conduct and the electronic transmission regulations. Additional items on the future agenda include security in pharmacy facilities, regulations for mail-order and delivery service pharmacies, pharmacy support personnel issues, and long term care issues. A comprehensive review of regulations is also proposed for the next meeting, to be held on June 3, 1998.

Budget Committee - Ms. Pease reported that the Board has procured law books for all pharmacies. Board members inquired if updates would be made available in subsequent years. Ms. Pease stated that it was an item that could be added to the year 2000 budget. Ms. Pease stated that she and Ms. Banks and Committee members were discussing special budget

initiatives for 2000. Board members should submit ideas to the Committee. The 2000 budget will be discussed in detail during the June, July and August meetings of the Board.

End of Life Task Force - Mr. Ades will report on the May meeting of the End of Life Task Force at the June Board meeting.

Questions for the Board - Alco Pharmaceuticals, Inc. - Assisted Living

Misters Freedman, Denoyer and Ades will meet to further discuss the issues raised in the Alco Pharmaceuticals letter and possibly write another letter to the Licensing and Certification Administration asking them to review and discuss how pharmaceuticals remaining in assisted living facilities after a resident has moved or died should be handled.

Respectfully Submitted,

W. Irving Lottier
Secretary